

REMARKS

Claims 1-26 were originally presented for Examination. Claims 8 and 25 have been canceled without prejudice and disclaimer of the subject matter recited therein. New claims 27-30 have been added.

Claim Objections

Claim 5 is objected to because of certain informalities. Claim 5 has been amended to remove the informality.

Claim Rejections under 35 USC § 112, Second Paragraph

Claims 12-14 have been rejected for certain informalities. Claims 12 and 13 have been amended to remove informalities. Applicants respectfully request the withdrawal of the rejection of these claims under 35 USC § 112, second paragraph.

Claim Rejections - 35 USC § 102

Claims 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Andre (US Patent 6,028,486), with further evidence found in Gorcea et al. (US Patent 6,323,733). Applicants respectfully traverse these rejections.

To anticipate a claim under 35 USC §102(b), the reference must teach each and every element of the claims. See MPEP §2131. As to claims 27 and 29, Andre does not teach each and every limitation of claims 27 and 29.

The Examiner has not cited any specific language in Andre that teaches selecting a threshold value that is associated with a proportionality between a between a peak value associated with the first operating voltage level and an rms value associated with the first operating voltage level as recited in claims 27 and 29. Further, the Examiner has cited Gorcea et al., which describes Andre's circuit. A careful reading of Gorcea et al. reveals that even Gorcea et al. refers to a predetermined threshold value but does not teach, suggest, or describe

selecting threshold value that is associated with a proportionality, as recited in claims 27 and 29. In fact, neither of the cited reference further defines the threshold value.

The Examiner has stated "Andre specifically sets the threshold to a value that is above the RMS of the digital data signal but is supported by the first operating voltage (i.e. V_{10})" (Emphasis added). The Examiner's remarks simply refer to selecting a threshold value that is above the RMS value; however, even the Examiner has also not cited the specific proportionality of threshold as recited in claims 27 and 29. Therefore, the cited reference does not teach each and every limitation of claims 27 and 29 as required to anticipate a claim under 35 USC §102(b). Accordingly, claims 27 and 29 are patentably distinguishable from the cited reference.

Claims 28 and 30 depend from claims 27 and 29 respectively and are patentably distinguishable from the cited reference for at least the same reasons as claims 27 and 29 respectively.

Applicant believes this application and the claims herein to be in a condition for allowance. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,



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